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Counsel for Defendant RAMIREZ-GARCIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

| | | |
|---------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | No. CR 08-0172 DLJ |
| Plaintiff, |) | |
| |) | STIPULATION AND |
| v. |) | ORDER VACATING HEARING DATE |
| |) | AND SETTING FOR CHANGE OF |
| |) | PLEA; EXCLUSION OF TIME |
| MARCOS RAMIREZ-GARCIA, |) | |
| |) | |
| Defendant. |) | |

IT IS HEREBY STIPULATED, by and between the parties to this action, that the hearing date for defendant's motion to dismiss, currently scheduled for Friday, February 6, 2009, at 11:00 a.m. is hereby vacated and advanced to 9:00 a.m. on February 6, 2009, for change of plea. The Court already has excluded time in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv) for adequate preparation of counsel and the parties stipulate that the time should continue to be excluded on this basis.

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1 DATED: January 23, 2009

/s/

JOYCE LEAVITT
Assistant Federal Public Defender

4 DATED: January 23, 2009

/s/

JAMES MANN
Assistant United States Attorney

7 I hereby attest that I have on file all holographed signatures for any signatures indicated by a
8 conformed signature “/s/” within this e-filed document.

9 **ORDER**

10 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date for
11 defendant’s motion to dismiss, currently scheduled for Friday, February 6, 2009 at 11:00 a.m. is
12 vacated and advanced to 9:00 a.m. on February 6, 2009 for change of plea.

13 IT IS FURTHER ORDERED that the time to February 6, 2009, should continue to be excluded
14 for adequate preparation of counsel and the ends of justice served by the granting of the continuance
15 outweigh the best interests of the public and the defendant in a speedy and public trial and the failure
16 to grant the requested continuance would unreasonably deny counsel the reasonable time necessary
17 for effective preparation, taking into account due diligence. 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

19 SO ORDERED.

20 DATED: January 28, 2009



HONORABLE D. LOWELL JENSEN
United States District Judge